



1 through November 4, 2024, until this proceeding is dismissed. ECF No. 155.  
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3 2. On October 22, 2024, Respondent filed an Opposition to Petitioner's Motion for  
4 Dismissal Pursuant to Federal Rules of Procedure 41(a)(2). ECF No. 160.  
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6 3. On October 24, 2024, the Parties attended a scheduled motion hearing (ECF No. 163)  
7 on Petitioner's Motion for Voluntary Dismissal with Prejudice, in front of this Court  
8 via Zoom.

**ORDERS ON DISMISSAL OF HAGUE PETITION**

9  
10 4. **Dismissal of Hague Petition:** Petitioner's Motion for Voluntary Dismissal with  
11 Prejudice is GRANTED in light of the following stipulated conditions and the trial on  
12 Petitioner's Hague Petition, previously set to commence October 29, 2024, is  
13 VACATED.

**STIPULATIONS**

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15 5. **Petitioner Shall Not Seek Return of Children to Armenia:** Petitioner shall not seek,  
16 either before the Northern District of California, or any other Court, to return the  
17 children to Armenia or to have Armenian courts govern custody proceedings.  
18  
19 6. **Custody and Visitation to be Adjudicated in California:** All proceedings related to  
20 the custody and visitation of the minor children I.D., N.D., and C.D. (the "Children")  
21 shall be adjudicated exclusively before a California State Court.  
22  
23 7. **Divorce Proceedings:** Petitioner has provided copies of divorce filings, including any  
24 appeals filed, in Portugal and Armenia for Attorney's Eyes Only, which shall be  
25 disclosed only to Respondent's counsel and Respondent's Family Law counsel,  
26 Michelle Jacobson-Kwok, Esq. Neither the divorce filings, nor the information  
27 contained therein, will be shared with Respondent except that Respondent's counsel  
28 and Family Law counsel may confirm whether any custody related proceedings in  
either country exists.  
29  
30 8. **Service:** Petitioner shall accept service and cooperate as to service of custody,  
31 visitation, and domestic violence pleadings.

1           **9. Children's Passports / Birth Certificates in Petitioner's Custody and Control:** On  
2           or before November 18, 2024, Petitioner shall surrender to this Court the remaining  
3           two expired Portuguese passports or all original Birth Certificates and any original  
4           Consular Registries of Birth in any country (i.e., Portugal, United States) of the subject  
5           Children. If Petitioner cannot locate these documents, he is to produce a declaration  
6           stating that he cannot locate the requested documents and affirm that all documents that  
7           can be used to travel internationally have been surrendered to the Court. If Petitioner  
8           finds any of these documents, he must turn them over immediately.

9           **10. Passports in Custody of District Court:** This Court shall work with Petitioner and  
10          Respondent to have any and all of the Children's passports, birth certificates, and other  
11          travel documents surrendered to this Court conveyed to the Alameda Superior Court,  
12          which shall retain the passports, birth certificates, and travel documents pending further  
13          order of Alameda Superior Court. The Parties understand travel documents to include  
14          any documents that may be used for the Children to gain a passport in any country in  
15          which they, Respondent, or Petitioner are citizens or which can be used to travel  
16          internationally. If Alameda Superior Court will not accept custody of the Children's  
17          passports and/or Birth Certificates all passports, birth certificates, and other travel  
18          documents shall be retained by Respondent's family law counsel until further order of  
19          the Alameda Superior Court.

20          **11. Access Orders:** Until a California state court issues (1) a decision on the merits of a  
21          domestic violence restraining order or issues a temporary domestic violence restraining  
22          order or (2) a California state court assumes jurisdiction over, and issues a temporary  
23          or permanent decision on, legal and physical custody over the Children, the following  
24          conditions, drawn from the Access Orders issued in this Court's Order on Petitioner's  
25          Motion for Access Pending Trial [Doc. 98] filed September 20, 2024, and Further  
26          Order re Access and Visitation [Doc 106] filed September 24, 2024, shall continue in  
27          full force and effect. At that point this Court will pass the matters to California State  
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1 Court and terminate this Court's Access Orders in favor of the State Court's Orders.

2 a. **While Petitioner is in California:** Pending further order of the State Court,  
3 when Petitioner is in California, he shall have supervised visitation with the  
4 children as follows:

5 i. **Weekdays:** 20-minute video visit, two (2) times a week.  
6 Additionally, three (3) hour in-person visit, one (1) time a  
7 week. [Doc 98, para. 3; Doc 161]  
8 ii. **Weekend:** Three (3) hour in-person visits for both Saturday  
9 and Sunday. [Doc 98, para. 3; Doc 161]

10 b. **While Petitioner is not in California:** Pending further order of the State  
11 Court, when Petitioner is not in California, he shall have visitation with the  
12 children as follows: [Doc 98, para. 3]

13 i. Weekday: 20-minute video visit, three (3) times a week;  
14 ii. Weekend: 20-minute video visit for both Saturday and  
15 Sunday;  
16 iii. These visits have been occurring on the following schedule:  
17 i. Tues: 6:10–6:30 PM PST (6:10 – 6:30 AM ARM)  
18 ii. Wed: 5:40–6:00 PM PST (5:40–6:00 AM ARM)  
19 iii. Thurs: 5:40–6:00 PM PST (6:40–6:00 AM ARM)  
20 iv. Sat: 12:00–12:20 PM PST (12:00-12:20 PM ARM)  
21 v. Sun: 12:00–12:20 PM PST (12:00-12:20 PM ARM)

22 **12. Supervised Visitation:**

23 a. All Petitioner's Court-Order Supervised Visitations with the Children shall  
24 be supervised by Terra Firma ("Supervisor"), or other professional  
25 supervisor as agreed to by the Parties in writing. Petitioner shall advance  
26 the supervised visitation fees and costs subject to the State Court's  
27 jurisdiction to reallocate fees. [Doc 98, para 1(b) – modified]

b. Court-Ordered Supervised Visitations will be arranged by the Parties' counsel and the Supervisor, and never directly or indirectly by or between Petitioner and Respondent. To the extent possible, the schedule shall be memorialized in written Stipulation and Order to provide for consistency, certainty, and reduce unnecessary fees and conflict. The Parties' counsel may meet and confer regarding a Stipulation to modify the visitation schedule.

c. Respondent shall share a weekly update on the Children's school classes and extracurricular activities so that Petitioner can talk to them about their activities during court-ordered visitation. During any Court-Ordered Visitation, the Children may discuss what they did during their activities generally (i.e., "we had soccer practice today;" "we practiced painting in art class"). Petitioner may not ask the Children details about the logistics of those activities, such as who the soccer coach is, where practice takes place, or at what exact times those activities take place. [Doc 106, para 20 – missing from Resp.'s proposed order]

d. The Supervisor will be present for in-person visits and shall supervise remotely during video visits. Respondent may elect to take the Children to Terra Firma's facility for remote visitations or the facility of any other professional supervisor as agreed to in writing by the Parties. [Doc 106, para 18 – modified]

- e. All Children shall appear for Court-Ordered Supervised Visitations pending further order of the Court. If one of the Children cannot join due to a doctor appointment, or due to sickness and confirmation from the pediatrician is provided, the visit with the other two Children should proceed. On the other hand, a school activity should not prevent the Child from attending a Court-Ordered Supervised Visitation with Petitioner, as visitation between

1 Petitioner and the Children shall take priority. [Doc 106, para 16]

2 f. Petitioner will strictly adhere to the Supervisor's guidelines, timing, and  
3 other requirements as to all exchanges during Court-Ordered Supervised  
4 Visitations. [Doc 106, para 1(b)]

5 g. Petitioner shall not raise his voice, use swear or curse words, or use any  
6 abusive language during any Court-Ordered Supervised Visitations.  
7 Petitioner agrees to only speak English during the visits. [Doc 106, para 7]

8 h. Petitioner shall not raise the issue of his relationship with Respondent or ask  
9 questions about the Children's relationship with Respondent during any  
10 Court-Ordered Supervised Visitations. Neither the Supervisor nor the  
11 Children shall be used to gather information about the other Party or  
12 caretaker or to transmit documents, information, or personal possessions.  
13 Petitioner agrees to not prompt any discussion of Respondent during Court-  
14 Ordered Supervised Visitations. If the Children discuss or mentions  
15 Respondent in relation to relaying information about their day or activities,  
16 Petitioner is permitted to ask questions about those activities without  
17 referencing Petitioner directly, but Petitioner shall not seek follow-up on  
18 anything related to Petitioner. [Doc 106, para 11]

19 i. If the Children independently raise issues or topics the Parents have agreed  
20 not to discuss, Petitioner will attempt to redirect the Children. Petitioner  
21 will not imply or suggest to the Children that things will be "worked out"  
22 between the parents. If the Children independently raise issues or topics that  
23 Petitioner is not allowed to discuss during Court-Ordered Supervised  
24 Visitations, he may tell the Children not to worry about that issue or topic  
25 and change the subject. He may also explain to the Children that he is not  
26 allowed to discuss that issue with the Children at this time. [Doc 106, para  
27 17]

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j. The Supervisor has authority to terminate any Court-Ordered Supervised Visitations pursuant to California Rules of Court Standard 5.20, in addition to authority to terminate any Court-Ordered Supervised Visitations pursuant to any prior order issued by this Court, ECF Nos. 96, 98 and this Order.

k. Unless otherwise ordered, no statements made by the Children during any video or in person visit will be admissible in Court. The supervisor's reports, including any reference to the Children's behavior, demeanor, emotions, or the like, will be admissible in Court. Additionally, because Petitioner was a party to the Hague Petition and will be a party to any state court proceedings, Petitioner's statements and behavior during any visitation will be admissible in any state court proceedings. [Doc 106, para 21 – modified]

### **13. Conduct Orders:**

- a. **Advance Notice of Arrival:** Petitioner must not travel to or enter California without 72 hours' prior written notice to Respondent's counsel for each visit. Petitioner shall disclose the location where he is staying during each visit to California. He need not disclose the exact hotel(s) or other residence(s) where he is staying but shall provide his general location while he is in California (e.g., city and street). Such information is produced to counsel as Attorneys' Eyes Only. [Doc 153, Section VI; Doc 106, para 1]

b. For the avoidance of doubt, Petitioner will notify Respondent's counsel 72 hours before he lands in California. For example, should Petitioner's flight land in California on Saturday at 12 PM, he will notify Respondent's counsel by the previous Thursday at 12 PM. [New from Resp.]

### **c. Discussing Litigation with Children:**

i. Neither Party shall discuss pending litigation with the

1 Children. [Doc 106, para. 10] or make attempts to influence  
2 any child's view of the dispute. [Doc 106, para. 8.]

3 ii. Neither Party shall attempt to influence testimony of the  
4 Children's view of any pending dispute, including but not  
5 limited to custody and visitation. [Doc 106, para 13 -  
6 modified]

7 iii. Neither parent shall discuss court proceedings with the  
8 Children in any manner. Petitioner will not promise to "fix  
9 things" or "stop everything" or otherwise make promises to  
10 the Children about the outcome of litigation or resolution of  
11 family problems. [Doc 106, para. 15]

12 iv. Neither parent shall make any statements to suggest the  
13 Children are unsafe with the other parent, that they need to  
14 be saved or rescued, that they have been kidnapped or make  
15 any statements about efforts to locate the Children following  
16 their departure from Armenia. [Doc 106, para 12]

17 d. **Stay-Away:** Petitioner shall not approach within 100 yards of Respondent  
18 or the Children except as permitted by the Court for Court-Ordered  
19 Supervised Visitations pursuant to this Order.

20 e.—Petitioner also shall not approach within 100 yards of Respondent's  
21 residence, Respondent's workplace, the children, and the children's School.  
22 The stay-away orders do not apply for Petitioner to visit with the children  
23 for court-ordered contact or visits.

24 f. [Doc 106, para 1(a) – modified]

25 g. **No Contact:**

26 i. Petitioner shall not have any unsupervised contact with the  
27 Children outside Court-Ordered Supervised Visitations.

1 Petitioner shall not contact the Children outside the Court-  
 2 Ordered Supervised Visitations. [Doc 106, para 2]

3 ii. Petitioner shall not call, text, email, or otherwise contact  
 4 Respondent, the Respondent's family, the Children, or the  
 5 Children's California school except as otherwise permitted  
 6 by this Order. [Doc 106, para 3]

7 iii. Petitioner shall not contact Respondent except via Our  
 8 Family Wizard, ECF No. 98. Respondent agrees to provide  
 9 at least two photos of each Child per week and will provide  
 10 more if more are taken. [Doc 106, para 6]

11 **h. No Threats or Abuse:**

12 i. Petitioner shall not make threats to, including but not limited  
 13 to the Children, Respondent, Respondent's family members,  
 14 and/or Respondent's friends. Petitioner will not make threats  
 15 relating to the Children's therapist, anyone at the Children's  
 16 school, or any person or ethnic group. [Doc 106, para 6]

17 ii. Neither Party shall use profanity or insults when speaking  
 18 with the Children, including the word "cockroach" which  
 19 has particular resonance to all Parties involved. [Doc 106,  
 20 para 14]

21 iii. Neither party shall make any threat or promise regarding the  
 22 Children's toys or belongings in Armenia. Petitioner may  
 23 bring toys with him on supervised visits, and may have  
 24 stuffies or other favored toys participate in video visits. [Doc  
 25 106, para 19]

26 14. The intent of this stipulation is not to advise the state court on how to rule  
 27 on any restraining orders, visitation or custody disputes, or, if any, divorce  
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1                   proceedings. The state court, with its expertise in family and custody  
2                   disputes, shall retain its own discretion to make rulings based on the facts  
3                   of the dispute presented in state court proceedings

4                   Dated: November 11, 2024

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